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Attorney for Plaintiff

IN THE UNITED STATES DISTRICT COURT FOR THE
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND DIVISION

AF HOLDINGS LLC,)	No. C-11-03067 CW
)	
Plaintiff,)	RULE 26(f) REPORT
v.)	
)	
DOE 1,)	
)	
Defendant.)	
)	

RULE 26(f) REPORT

Plaintiff AF Holdings LLC, by and through its counsel, hereby submits this Rule 26(f) Report pursuant to the Court's Order Setting Initial Case Management Conference and ADR Deadlines (Doc. No. 3), Federal Rules of Civil Procedure (hereinafter "FRCP") Rules 26(a)(1) and 26(f), and Northern District of California Civil Local Rule (hereinafter "L.R.") 16-9(a):

1. Individuals Likely to Have Discoverable Information:

- Salt Marsh, Owner of AF Holdings
- Peter Hansmeier – 161 North Clark Street, Suite 3200, Chicago, Ill., 60601.
- Person Most Knowledgeable ("PMK") at Internet Service Provider in their Subpoena Department – Custodian of Records.

- Subscriber associated with IP address 108.0.221.94 – ...¹
- Doe Suspects – Yet to be identified.
- Plaintiff reserves the right to add to this list of individuals identified as necessary in the future.

2. Documents, Electronically Stored Information, and Tangible Things:

- Physical Documents – Plaintiff’s copyright records.
- Electronically Stored Information – BitTorrent auditor, forensic information demonstrating infringing activity over the BitTorrent.

3. Projected Discovery Timelines:

At this point, any projected timelines are premature for reasons explained in Plaintiff’s Case Management Conference Statement. (*See* ECF No. 25).

4. Subjects on Which Discovery, Including Electronic Discovery, Will be Needed:

As noted in Plaintiff’s Case Management Conference Statement (ECF No. 25), Plaintiff is currently in settlement negotiations with the Subscriber. Plaintiff expects that the settlement will provide Plaintiff with names, and contact information, of the Doe Suspects who likely used Subscriber’s IP address to unlawfully upload/download Plaintiff’s copyrighted. Once Plaintiff gets this information, it will conduct its own investigation to identify and hopefully name the actual infringer(s) in this case. Until Plaintiff receives a declaration from the Subscriber to this effect, however, Plaintiff cannot guess as to its content. In other words, Plaintiff’s next move entirely depends on whether Plaintiff receives that declaration from the Subscriber, and, is so, what the declaration contains. At this point, therefore, Plaintiff cannot foresee anything beyond waiting for the Subscriber’s declaration.

Should the declaration name the Doe Suspects, and allow Plaintiff to contact those individuals, Plaintiff will of course do so. Further, while impossible to judge at this juncture,

¹ Per the tentative agreement between Plaintiff and Subscriber, Plaintiff will respectfully keep Subscriber’s name anonymous when making this filing.

1 Plaintiff may apply to the Court for a Court-authorized deposition of one (or all) of these individuals
2 with the primary goal of identifying the Doe Defendant remaining in this case. But, again,
3 considering the requisite declaration from the Subscriber does not exist at this time, Plaintiff only
4 guesses as to what may be necessary discovery in the future of this case.

5 **5. Objections:**

6 Plaintiff objects to the Court requiring Plaintiff to make any projected deadlines in this case
7 at this time.

8 **6. Discovery Motion Currently Pending:**

9 N/A.

10 **7. Other Issues:**

11 N/A.

12 Respectfully Submitted,

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14
15 PRENDA LAW INC.,

16 **DATED: January 4, 2012**

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18 By: /s/ Brett L. Gibbs, Esq.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on January 4, 2012, all individuals of record who are deemed to have consented to electronic service are being served a true and correct copy of the foregoing document, and all attachments and related documents, using the Court's ECF system, in compliance with Local Rule 5-6 and General Order 45.

/s/ Brett L. Gibbs
Brett L. Gibbs, Esq.